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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,076	02/28/2002	Kazuo Kuroda	B-4520 619566-7	1972
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LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			EXAMINER RATHINASAMY, PALANI P	
			ART UNIT	PAPER NUMBER
			3622	
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			11/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,076	<b>Applicant(s)</b> KURODA, KAZUO	
	<b>Examiner</b> Palani P. Rathinasamy	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/3/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,8 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to amendment filed on 10/3/2007.
2. Per amendment, claims 2, 4-7, and 9-36 have been cancelled. Claims 1, 3, and 8 have been amended. Claims 37-39 are new.
3. Claims 1, 3, 8, and 37-39 remain pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The specification is objected to as it appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

As an example, in the Description of the Related Art, second sentence:

In distribution of information through the internet, advertisement information is distributed arbitrarily and additionally when distributing for example, a specific content (including image information such as movie, music information and commodity information).

5. Claims 1 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, amended claim 1 teaches of "a ranking device which generates

a ranking *list* information indicating a rank of the advertisement information" (emphasis added). Examiner is unable to find support in the specification for this limitation.

Regarding amended claim 8, applicant teaches the limitation of a "*second* registration device . . .". Examiner is unable to find support in the specification for *multiple* registration devices.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3, 8, 37-39 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, claim 1 teaches of "said transmitting medium used for distributing *an output distribution information*". Examiner is unable to understand what this step accomplishes or what the applicant intended for the step to do. As another example, in claim 37 applicant teaches of a "notice device which *notices a notice information*". (emphasis added). Again, examiner is unable to understand what this step accomplishes or what the applicant intended for the step to do.

7. The term "should be paid" in claim 8 is a relative term which renders the claim indefinite. The term "should be paid" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Additionally the

claim is indefinite because it is unclear whether the limitation "should" requires that the "registration accepting device" is required to have that capability.

8. Claim 8 recites the limitation "the upper rank" when teaching of payment of a re-registration fee. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 1, 3, 8, and 37-39, as best understood by Examiner, are rejected under 35 U.S.C. 102(e) as being anticipated by do Rosario Botelho et al. (US 2002/0069105 A1 hereinafter "Botelho"). Botelho teaches an advertisement processing and targeting system.**

10. Regarding claim 1, Botelho teaches of a system consisting of a registration device (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182); advertisement acceptance device (Detailed Description, [0051]-[0053]; Fig 5A, 184, 188, 190); ranking device (Detailed Description, [0061]); output device (Detailed Description, [0028]-[0031]; Fig. 1, 58); and an output module consisting of a transmitting medium (Summary of the Invention; Fig. 2), obtaining and display device (Summary of the Invention; Fig. 2).

11. Regarding claim 3, Botelho teaches of a vote accepting device (Summary of the Invention, [0011]; Detailed Description [0038]); vote outputting device (Detailed Description, [0032]-[0040], [0048]-[0052], [0067]-[0071], Fig. 2, 108; Fig. 10, 274, 276); a ranking device (Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10) and a ranking distribution device (Summary of the Invention; Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10).
12. Regarding claim 8, Botelho teaches of a system whereby advertisers purchases advertisements that are displayed. (Detailed Description, [0035]-[0040], [0054]-[0062]; Fig. 5).
13. Regarding claim 37, as stated above, examiner is unclear what applicant intends by "a notice device *which notices a notice information . . .*" (emphasis added). As best understood by examiner, applicant teaches of a device that monitors the rank of an advertisement and time that an advertisement is displayed. Botelho teaches of a similar system of monitoring rank and time. (Detailed Description, [0041]-[0043], [0061])
14. Regarding claims 38-39, Botelho teaches of dividing advertisements into tiers (Detailed Description, [0060]-[0063], update advertisements (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182; Fig. 6; Fig. 7), and rank ads (Detailed Description, [0058]-[0065]; [0068]-[0072]).

### ***Response to Arguments***

15. Applicant's arguments filed 10/3/2007 have been fully considered but they are not persuasive.

16. 35 U.S.C. § 102(e): Applicant argues broadly on page 8 that "Botelho does not disclose, suggest or teach" the features of the amended claim. First, examiner notes that applicant does not cite specific features of the applicant's invention that Botelho fails to teach. Furthermore, applicant does not argue that Botelho's features, cited by the examiner in the previous office action, do not read on the applicant's invention as previously presented. Applicant merely recites amended claim 1, in its entirety, without making other arguments about the prior art itself. Therefore, applicant broadly argues that Botelho does not teach of the features added by amendment.

Examiner respectfully disagrees. First, for the added feature of "an advertisement information accumulating device . . .", Botelho specifically teaches of an "exemplar website [] from a portal that an advertiser can use to *submit an ad*." (Detailed Description, [0054]). Second, for the added feature of a ranking device, Botelho also teaches of ranking advertisements. (Detailed Description, [0061]). Therefore, Botelho teaches of a system that encompasses the previously presented and currently presented claims.

17. 35 U.S.C. § 112: Applicant further argues on page 8 that the amendment overcomes the Examiner's 112 objection of the claims and specification that they are generally narrative and indefinite, failing to conform with current U.S. practice. Examiner respectfully disagrees.

The examiner cited as examples parts of the specification and claims whereby the text was generally indefinite and narrative. Some of applicant's amendments fixed these problems, however as a whole, the claims continue to be replete with grammatical

and idiomatic errors. As an example of clear grammatical errors, in claim 1, applicant teaches of "said transmitting medium used for distributing *an* output distribution information" (emphasis added). As another example, in claim 37, applicant teaches of "a notice device which *notices a notice information* when the . . ."

18. Applicant's amendment of drawings and specification is hereby acknowledged. The objection to the drawings is hereby withdrawn.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Examiner's Note:** Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and



figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RPR



**ARTHUR DURAN**  
PRIMARY EXAMINER